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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 April 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

ORGANIZATION OF THE WORK OF THE SESSION (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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GE.97-11895 (E)

The meeting was called to order at 3.40 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. Mr. GOONETILLEKE (Sri Lanka) recalled that, at the beginning of the session, many delegations had raised issues concerning the reorganization of the Commission's work and procedures in the expectation that they would be suitably discussed. Unfortunately, no steps had yet been taken to address those issues.

2. The Commission must join in the system-wide effort to adopt procedures and mechanisms to enhance its effectiveness in the face of financial and other constraints. The issues to be addressed included documentation, restructuring of the agenda, the number and length of resolutions, non-selectivity, transparency, consensus-building, depoliticization, lists of speakers and time allocation, management of meetings, and streamlining the participation of non-governmental organizations (NGOs).

3. With respect to the last issue, a long-standing problem, he recalled that the Japanese delegation had rightly complained of having been forced to delay the delivery of a statement, despite having requested to speak on a specific date. The Commission should, perhaps, follow the practice of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which gave priority to its members without ignoring observers and NGOs.

4. His delegation had learned that the person who had spoken on 3 April 1997, under agenda item 9 (d), on behalf of the International Peace Bureau was accredited not under that organization but under Pax Christi International, which had also made a statement on the same day under the same agenda item. He asked the Chairman to ascertain how that had come about, as the members of the Commission surely did not wish to be deceived by persons who resorted to duplicity to promote their own agenda.

5. He urged the Chairman to take positive steps to address those problems during the current session. Rather than a list of issues, he preferred an open-ended mechanism to facilitate further discussion, both during the session and in the inter-sessional period.

6. The CHAIRMAN said that he would ask the Secretariat to provide information on the credentials of the speaker that had been mentioned. With respect to the other issues raised, he was preparing a list of topics for discussion within the group of friends of the Chair; the practice of other bodies would be taken into account.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1997/5, 6 and Add.1, 8, 9, 48-50, 53, 54, 55 and Corr.1, 56-59, 60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123-125, 129 and 132; E/CN.4/1997/NGO/3-6, 12, 14-17, 21, 25 and 27; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538 and 542/Add.2)

7. Mr. GASANA (Observer for Rwanda) said that, three years after the genocide perpetrated in his country, most of those responsible continued to escape justice because the countries to which they had fled had not instituted proceedings against them. The hopes raised by the establishment of the International Criminal Tribunal for Rwanda were fading, as both the Rwandan Government and the media had denounced the defects in its current structure and functioning and the failure to manage it properly.

8. In November 1996, Rwanda's national courts had begun to try some of the culprits. To lay the foundations for national reconstruction, his Government had enacted legislation adapted to the extraordinary nature of the situation. The degree of guilt of the defendants would be taken into consideration, and those who cooperated with the authorities would receive reduced sentences. Although the country's legal system suffered from a lack of human and material resources, his Government was sparing no effort to guarantee fair trials. In particular, to guarantee the right to defence, it had contacted foreign bar associations to complement national defence lawyers who could not, by themselves, meet the demand. The Government also planned to establish a legal assistance fund for both defendants and victims.

9. As noted in the report of the Special Rapporteur on the situation of human rights in Rwanda (E/CN.4/1997/61), the security situation had deteriorated in some parts of the country since the massive return of refugees in November 1996, especially in areas where many former combatants had settled. The latter had carried out attacks designed to destabilize the country and eliminate the evidence of their guilt; they had even attacked foreigners working in Rwanda and had murdered five human rights observers, three members of Médecins du Monde and a Canadian priest. His Government deplored the deaths of civilians who had been caught in the crossfire between the forces of law and order and criminal gangs, and condemned those who used civilians as human shields in such confrontations.

10. The problem of ensuring the property rights of the returnees was aggravated by a shortage of government funds to address the situation. Nonetheless, his Government had taken specific steps to enable individuals to recover their property, had launched a large-scale housing programme and had established a national assistance and compensation fund for the victims of the 1994 genocide.

11. A significant number of returnees had been actively involved in the genocide. Some of them had been arrested, and his Government had taken steps to reduce overcrowding in detention centres, inter alia by provisionally

releasing prisoners who were seriously ill or who had committed less serious infractions of ordinary law. It called upon the international community to assist its efforts to build an adequate prison infrastructure.

12. His Government deplored the inhuman living conditions of the considerable number of Rwandans who were still refugees in Zaire, and called for a prompt solution to facilitate their repatriation.

13. His Government had been surprised that the Special Rapporteur should have questioned the independence of the judiciary and freedom of expression. The judges who had been incarcerated had been charged with offences, and the assistant prosecutor of Rushashi had been murdered by infiltrators, who were particularly numerous in that part of the country. Any objective observer could attest to the exceptional freedom of expression enjoyed by the media in Rwanda.

14. The Special Rapporteurs on Rwanda, Burundi and Zaire had called for an international conference on the Great Lakes region. His Government felt that that approach was too simplistic, since each country had its own problems that required specific solutions. While it did not oppose the convening of such a conference, it believed that the agenda must be determined by the countries concerned. The essential items to be included on the agenda were the consequences of the establishment of boundaries by colonial forces; the role of colonization, the Church and the United Nations in the crises of the Great Lakes region; the compensation to be provided to countries which had been victims of the role of colonization, the Church or the United Nations in those crises; and security in the Great Lakes region.

15. Mr. MULUME (Zaire) said that the oral presentation of the Special Rapporteur on the situation of human rights in Zaire had emphasized the Government's unwillingness to cooperate; the total lack of progress in the enjoyment of political, civil, economic, social and cultural rights; the obstruction of the democratic process for the last 15 months; and issues related to the conflict in the eastern part of the country, including the arbitrary establishment of boundaries, the withdrawal of nationality and the refugee crisis and its effects on the environment and population of eastern Zaire. All three of the Special Rapporteur's reports conveyed an exaggerated portrayal of Zaire as a lawless inferno.

16. Despite its economic, social and political difficulties over the last 10 years, Zaire had continued to welcome refugees from Rwanda and Burundi, as well as members of many humanitarian organizations. The allegation that the Government had failed to cooperate was astonishing, since the three reports clearly showed that the Special Rapporteur had been free to go wherever he pleased in Zaire except where his safety would be jeopardized; the latter situation was due to rebel occupation and not to any action by the Zairian authorities.

17. His Government had always believed that every State had the exclusive and sovereign right to determine the laws governing the acquisition and loss of nationality. However, the Special Rapporteur had falsely insinuated that Zaire's actions in that regard were rendering people stateless, and seemed to view that as a valid motive for the conflict in eastern Zaire.

18. The country's political and economic difficulties impeded the full enjoyment of basic human rights. It was undeniable, however, that progress had been made over the last seven years in the exercise of political and civil rights. Zairians enjoyed freedom of expression, opinion and association. Newspapers of every kind were published in the country, and the national television and radio stations were open to opposition parties. Political leaders and members of human rights organizations were free to express viewpoints that differed from those of the Government, inter alia with respect to the conflict. The isolated cases of failure to respect that freedom were symptomatic of the learning process inherent in Zaire's emergence from the period when such freedoms had been stifled; they did not reflect a policy of censorship.

19. The shortage of government resources and the complexity of the problems caused by a lack of stable management were obstacles to the enjoyment of economic and social rights. With respect to human rights and democracy, it must be recalled that Zaire had had a single-party system for 30 years; it was not easy to relearn tolerance of different opinions. The establishment of the National Electoral Commission represented some progress. The authorities sought to open that Commission to all social actors, including NGOs, churches and international observers. As noted in the Special Rapporteur's report (E/CN.4/1997/6), the Government of Zaire was prepared to cooperate with the United Nations system and all other partners who wished to send election observers to guarantee the restoration of democracy in the country.

20. He rejected the Special Rapporteur's contention that his Government was unwilling to carry out the democratic process unless it received foreign assistance (para. 48). In fact, economic difficulties had prompted it to ask for help in shouldering the heavy burden of organizing elections; any assistance it received would complement national efforts. With respect to the referendum mentioned in the Special Rapporteur's report (para. 47), a text had been adopted by the Parliament and would have been put to a referendum in February but for the events in the eastern part of the country. In October 1996, the authorities had published a timetable for the census which was to precede the referendum to guarantee the success of the electoral process.

21. The Special Rapporteur had cited three main causes of the conflict in eastern Zaire: the arbitrary establishment of boundaries, the withdrawal of nationality and expulsion of Zairians and the massive and prolonged presence of refugees from Rwanda and Burundi. The first contention could not be used to justify the war, since Zaire was not the only country whose boundaries had been established as a result of colonization. With respect to the nationality issue, the country's nationality law dated back to 1981, but had never been contested until 1993. Although that law might not be perfect and might have been misapplied in the past, it was no longer mentioned as a cause of the war.

22. The presence of Rwandan refugees could, however, be cited as a cause of the conflict. For the last three years, his Government had made efforts to promote the voluntary repatriation of all the refugees. It was not Zaire's fault if the security conditions in Rwanda were unsatisfactory.

23. His Government had always supported the proposal to convene an international conference on the situation in the Great Lakes region, while stipulating that only genuine reconciliation within each country could guarantee security and peaceful coexistence in that part of the world.

24. Ms. RUHAZA (Observer for Burundi) said she did not deny that her country needed help but the Special Rapporteur's report lacked objectivity and did not take into account the changes that had taken place since 25 July 1996. It was based on reports by third parties and gave a distorted view of measures taken by the transitional Government to restore peace and security.

25. The Special Rapporteur's bias was evident when he expressed regret that the rebels were not sufficiently strong to defeat the Burundi army decisively and when he denigrated measures taken by the transitional Government, such as administrative reform, resettlement of people, the introduction of compulsory civic service and the national solidarity contribution. He ignored the fact that administrative structures had been very weak before July 1996 and the need to protect the populace from violence and terrorism. The Government's measures were necessary, temporary and perfectly legal. It was outrageous that the Special Rapporteur could contemplate an end to humanitarian aid to the camps for displaced persons, who had fled the genocide of 1993 and who were targeted by terrorists. Compulsory civic service and the national solidarity contribution were not the logic of war, but attempts to involve everyone in the establishment of peace and security.

26. The Government's objectives were to restore the State's authority, organize a national debate, open a dialogue with the armed factions and initiate economic recovery. The remarkable progress made towards those objectives had been noted by prominent and fair-minded visitors to the region, including the United Nations High Commissioner for Refugees and the High Commissioner for Human Rights.

27. The Special Rapporteur had shown some degree of neutrality in acknowledging the negative effects of the embargo imposed by neighbouring countries, as well as the presence in the transitional Government of well-qualified officials from both main ethnic groups.

28. Mr. DEGNI-SÉGUI (Special Rapporteur on the situation of human rights in Rwanda) said that the facts showed that judges had been punished for carrying out their duties, when that involved releasing certain individuals; an infringement of the right to freedom of expression that compromised the independence of the judiciary. He did not think that the recommendation to hold an international conference was simplistic; it was his duty to make inquiries and suggest solutions to specific problems, bearing in mind all the relevant factors.

29. He welcomed the measures being considered by the Government of Rwanda to improve the human rights situation in the country, but stressed that one of the basic requirements for reconciliation was a fair justice system; an end must be put to impunity and those responsible for the genocide must be brought to justice.

30. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in Zaire) said that, he had been able to move around freely during his first visit to Zaire, but that had not been so during his subsequent visit, when, moreover, he had not been supplied with the information he had requested. Freedom of expression was curtailed, as exemplified by the case of a human rights activist who had been detained by the police for a week simply for asking for information on the situation in eastern Zaire.

31. The only progress towards holding elections remained the establishment of the National Electoral Commission and the appointment of its members. He did not agree that the National Electoral Commission had done all it could and that future progress depended on the international community; the Zairian authorities should not be waiting for help to arrive from outside, but making every effort to ensure the freedom of the country's citizens. He agreed that nationality was a question for domestic legislation, but such legislation must be in keeping with international standards.

32. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Burundi) pointed out that his reports included the interim one he had presented to the General Assembly (A/51/459) and thus related to most of 1996. He noted that the observer for Burundi had not questioned his impartiality when he acknowledged the effects of the embargo on Burundi or the positive steps taken by her Government. He strongly denied the charge of bias; he was on the side of the victims of human rights violations and was seeking to engage in a true dialogue for peace.

33. The assertions that he had regretted the rebels' inability to defeat government forces and had called for an end to humanitarian aid to the camps for displaced persons were not borne out by a reading of the text: he had simply analysed the military situation, and expressed reservations, shared by members of the international community, about the resettlement policy and the ethical dilemma it posed.

34. Mr. ARTUCIO (Special Rapporteur on the situation of human rights in Equatorial Guinea), introducing his report (E/CN.4/1997/54), thanked the authorities of Equatorial Guinea for their full cooperation during his visit to the country, where he had met officials, politicians and representatives of all sectors of society. Progress was being made, but much remained to be done. The independence of the judiciary was not guaranteed, with even the Supreme Court unable to enforce its decisions because of State interference. Military courts did not observe due process and ruled in cases that were outside military jurisdiction.

35. Although the general improvement in conditions in Malabo prison was a welcome response to his earlier recommendations, food and medical provisions were still inadequate. He had witnessed the marks left by torture and ill-treatment, and had been reliably informed that, in various parts of the country, political opponents were arrested and tortured or ill-treated. In only one recent case, that of Evaristo Abaha Ndong, who had died after ill-treatment whilst in detention, had the officials responsible been brought to justice. Harassment and intimidation of members of opposition political parties continued.

36. Some progress had been made in improving the situation of women, though they still suffered from discrimination in many areas. Many children lived in extreme poverty, but the authorities were making progress in raising awareness of the Convention on the Rights of the Child. Discrimination against ethnic groups continued in the form of excessive interference by the State in any traditional activity that involved a gathering of people. Members of the non-violent Bubi ethnic movement were being denied the right to self-determination and freedom of action.

37. With regard to economic, social and cultural rights, some progress had been made, but 65 per cent of the population of Equatorial Guinea still lived in extreme poverty, unemployment was high, access to clean water was a major problem, and hospitals lacked basic medical supplies. School-attendance rates had increased considerably in 1995, but over half of all women were illiterate. However, the Government would soon have a golden opportunity to improve matters, when it began to exploit its newly discovered oil reserves.

38. He had observed some measure of political will to continue the process of establishing the rule of law and had seen some isolated breakthroughs in the field of human rights. It was encouraging that he had found no one detained for political offences or on political or ideological grounds. Nevertheless, grave and repeated violations of human rights continued to take place, and the State's reaction to such violation was patently inadequate.

39. Steps should be taken to ensure the independence of the executive, legislative and judicial branches of Government. Urgent measures should be adopted to improve the basic structure of the judicial branch and to train judges and prosecutors. It was encouraging that, on 14 February 1997, the Head of State had addressed a message to the local authorities in line with the Special Rapporteur's recommendation (para. 99) that precise instructions should be transmitted to the forces of order and security to respect the right of the individual to security, integrity and freedom. The powers of the State must work together to put an end to the broad forms of immunity accorded to those responsible for human rights violations.

40. In connection with the forthcoming legislative elections, a reform of the Electoral Act should be envisaged; his recommendations were set out in paragraph 104. He welcomed the fact that, on 31 January 1997, the Head of State had invited the opposition parties to engage in a dialogue on inter alia reform of the electoral legislation.

41. Lastly, while the Government of Equatorial Guinea should be encouraged to continue its efforts to improve human rights, it should also be told that its progress to date was insufficient for the Commission to reduce its monitoring of the situation. He thus suggested that the Centre for Human Rights should continue to provide technical assistance and advisory services to Equatorial Guinea.

42. Mr. N'DIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions), introducing the report prepared jointly by himself and the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1997/62 and Add.1) said that, since November 1995 and the hangings of Mr. Ken Saro-Wiwa and eight other Ogoni activists, he and his colleague had repeatedly sought to pay a fact-finding visit to Nigeria. Unfortunately, they

had been unable to do so for the reasons explained in the report. They had been eager to see for themselves the situation in Nigeria, in view of the large number of allegations pertaining to their respective mandates and the decision to cancel the visit had not been taken lightly.

43. It had unfortunately become obvious that the Government of Nigeria was reneging on its agreement to accept the standard terms of reference for fact-finding missions by the Commission's mechanisms, as well as the agreement reached with the Special Rapporteurs themselves. To carry out the mission on the conditions imposed by the Government would have adversely affected the integrity of the Commission's special procedure mechanisms. The events leading up to the decision were described in detail in the addendum to the report (E/CN.4/1997/62/Add.1).

44. The hinge issue had been whether the Special Rapporteurs would be allowed to meet detainees, including specific individuals whose names had been transmitted to the Permanent Mission of Nigeria in advance. The Government had argued that it was outside the scope of the respective mandates of the Special Rapporteurs to meet detainees who had been convicted by a court of law or were on remand by court order. Access to detainees was, however, something required by the standard terms of reference of special rapporteurs which constituted the minimum guarantees of the objectivity and impartiality of fact-finding missions. If they were to be ignored or compromised, the mission of a special rapporteur would be as flawed as the judicial process by which Ken Saro-Wiwa had been sentenced to death.

45. There had been serious allegations that all the detainees whom the Special Rapporteurs desired to meet had been detained under flawed judicial processes and before tribunals that did not conform to universally accepted norms. The Special Rapporteur on the independence of judges and lawyers had considered it absolutely necessary to meet such individuals, and he himself had wanted to talk to persons who had been charged with murder and could be subjected to the death penalty. He had also received numerous allegations of deaths in prisons and places of detention and of harsh prison conditions. Those were all issues that fell squarely within the scope of the respective mandates of the Special Rapporteurs.

46. Though they had been unable to visit Nigeria, the Special Rapporteurs had prepared a report on the substantive issues covered by their mandates, based on information not only from NGOs and private individuals but also on the findings of other United Nations bodies and intergovernmental mechanisms.

47. As described in paragraph 41 of the addendum to the report, a pattern had emerged in which the majority of extrajudicial, summary or arbitrary executions could be placed in one of three categories: victims killed in police custody; victims killed while attempting to avoid being arrested by the police; and victims killed when security forces fired indiscriminately upon demonstrators. The police or security officials responsible were rarely prosecuted, which created an environment in which the security forces could act with impunity. Allegations of extrajudicial executions had also been received in the case of the deaths of high-profile leaders such as Mrs. Kudirat Abiola. The commissions of inquiry established to investigate such murders had not yet yielded any results.

48. As outlined in paragraph 46 of the addendum, the Special Rapporteurs were concerned that the death penalty might be applied following hearings before ad hoc tribunals which violated international standards on the right to a fair trial. Moreover, the public executions that were carried out violated human dignity.

49. The deaths of scores of prisoners owing to harsh conditions and lack of adequate medical care was also a cause for serious concern. A number of incidents of communal violence based on ethnic or religious differences had been recorded, and the manner in which the violence had been dealt with by the security forces was far from satisfactory.

50. Mr. CUMARASWAMY (Special Rapporteur on the independence of judges and lawyers) said that, since coming to power in 1993, the Federal Military Government of Nigeria had issued a series of decrees which had effectively abrogated the entire pre-existing legal order. The decrees removed the jurisdiction of the ordinary courts over fundamental human rights issues, made the judiciary subservient to the Government and gave the Government power to violate human rights with impunity. The Government and its agencies were refusing to obey court orders and starving the ordinary courts of financial and human resources, in stark contrast to the treatment of the special and military tribunals, which apparently enjoyed elite status.

51. On the basis of the information available, the Special Rapporteurs had concluded that the rule of law was on the verge of collapse, if it had not already collapsed. Governmental power was vested solely in the Federal Military Government and executive disobedience of court orders was a common practice. It was impossible for an impartial judiciary to exist as an institution or for independent judges and lawyers to carry out their rightful roles.

52. He referred delegates to the conclusions and recommendations in the addendum to the report. The final recommendation was that the Commission should renew the mandate on the situation of human rights in Nigeria and appoint a country-specific special rapporteur.

53. Mr. YADUDU (Observer for Nigeria) said he would reserve his right of reply until he had had an opportunity to study the Special Rapporteurs' report in detail.

54. Nigeria had transparently cooperated with the human rights mechanisms. In March 1996, the Secretary-General had sent a fact-finding mission composed of highly experienced and responsible jurists to Nigeria. They had had unfettered access to places and groups throughout the country. Their recommendations had endorsed the transition programme, discounted the imposition of sanctions on Nigeria as being counter-productive and unhelpful and commended General Abacha's sincerity in implementing the transition programme.

55. They had also recommended that certain confidence-building measures should be adopted; and Nigeria had done so. The Civil Disturbances (Special Tribunal) (Amendment) Decree had been enacted in June 1996 to exclude members of the armed forces from serving on the Tribunal and to provide for the right

of appeal; the State Security (Detention of Persons) (Amendment) (No. 2) (Repeal) Decree had replaced Decree No. 14 and restored habeas corpus to detainees under Decree No. 2 of 1984; and a panel had been constituted to review all cases of detainees under Decree No. 2, as a result of which over 20 detainees had so far been released.

56. The Commonwealth Ministerial Action Group had visited Nigeria for a fruitful dialogue in November 1996. In March 1997, the African Commission on Human and Peoples' Rights had also visited Nigeria. The abrupt cancellation of the visit by the Special Rapporteurs needed to be placed in that context. They had decided to cancel their visit on the basis of a newspaper report regarding certain details of the planned visit. They had therefore submitted an ex situ report without the benefit of having visited Nigeria or conferred with national authorities, even though the advance party of the Secretariat had been warmly welcomed by his Government.

57. It was a matter of concern that events in Nigeria had been deliberately misrepresented. For example, some people suspected of involvement in the recent bombing attacks, which had resulted in deaths and the destruction of property, had been arraigned on the basis of a preliminary investigation by the law-enforcement agencies. The suspects had been charged before a regular court and their trial would, of course, be held in public and under due process of law.

58. Contrary to the impression conveyed to the international community, there was respect for human rights in Nigeria. Allegations of arbitrary detention, extrajudicial, summary or arbitrary execution and torture were unfounded. All those currently detained had been lawfully deprived of their freedom. He hoped that the international community - and more specifically the Commission - would support Nigeria's efforts to prevent the introduction of terrorism into the country. The Commission should also reject the use of human rights advocacy as a cover for criminal and terrorist activities.

59. Mr. Choong-Hyun PAIK (Special Rapporteur on the situation of human rights in Afghanistan), introducing his report (E/CN.4/1997/59), said that dramatic changes had taken place in Afghanistan since he had last addressed the Commission and the resulting hardships were felt primarily by the civilian population. Some 250,000 people had been displaced since October 1996 as a result of the conflict between the Taliban movement and the alliance comprising the Supreme Council for the Defence of Afghanistan. Some had fled to Pakistan, which already hosted more than a million refugees, and some 1.4 million refugees remained in Iran. Kabul's chronic problems had been aggravated by a huge influx from towns and villages emptied by the Taliban, although a few people had reportedly been allowed to return home.

60. Although peace prevailed throughout the greater part of the country, the volatility of the situation had led to an economic collapse and inflation of food prices. Almost half the population of Kabul was receiving food aid. There was no coherent economic policy. Children were working on the streets and begging had become rampant.

61. The policies implemented by the Taliban movement extended to all parts of the country under their control, women and girls being by far the worst

affected: they had been prohibited from working or attending schools and other educational facilities. Should female education resume, studies would be restricted to certain fields. The prohibition on female employment had also led to a shortage of teaching staff for boys.

62. The assurances given to the international community by Taliban representatives that the education of at least very young girls would resume had not been honoured. The announcement that religious scholars would make a pronouncement on the issue boded ill for the future, since the Chairman of the Council of Religious Scholars in Kandahar had said that women should not leave the house for education and employment. The all-covering burqa had become the only acceptable form of dress in public and those who did not comply had been beaten severely. The women worst affected were widows and female heads of household. An estimated 30,000 households headed by widows in Kabul survived only through the assistance of the international community.

63. Restrictive measures enforced by the recently established religious police, who appeared to be above the law, had been imposed on men and children, also. Civil servants had been dismissed for trimming their beards, for smoking or for not wearing caps or turbans. Television, music, the keeping of pet birds, the use of paper bags, New Year's festivities and kite flying had been prohibited.

64. In the absence of a central government, the administration of justice by Islamic Shariah courts did not conform with international standards but was often summary and Afghanistan had become a fertile ground for drug production and trafficking and a potential hotbed of terrorism. Capital punishment and extrajudicial killings had taken place, including that of former President Najibullah and his brother in September 1996. The public authorities said that capital punishment, stoning and amputation of limbs would continue to be applied as appropriate. On the other hand, crime and corruption had declined considerably in areas under Taliban control, after 18 years of conflict during which looting, rape, extortion and murder had been not uncommon.

65. He was greatly encouraged, however, by the significantly heightened awareness of human rights issues on the part of United Nations and other agencies working in Afghanistan. The international community should continue to provide humanitarian assistance to the people of Afghanistan. Much could be accomplished without compromising respect for human rights. An open and constructive dialogue should be established with the public authorities so as to establish at least minimum standards of human rights and humanitarian law, while taking into account local customs and religious specificities. International efforts to improve the human rights situation in Afghanistan should continue.

66. Mr. TANDAR (Observer for Afghanistan) welcomed the Special Rapporteur's report, while deploring its late issue. It was the most tragic and alarming of all the reports before the Commission at its current session and called not only for greater vigilance by the international community but also for its immediate mobilization.

67. The political and military movement known as Taliban, which was notoriously the creation of forces beyond the frontiers of Afghanistan had placed the country under a pall of darkness. Education for girls and work for women had been prohibited. According to Taliban radio, more than 400 women had been beaten and humiliated in Kabul and a dozen women had been stoned to death in various other regions. Executions took place in public. All the institutions of civil society had been banned. Independent newspapers had been closed down. He drew attention, in particular, to the sinister decree that appeared as appendix 3 of the report, prohibiting all manner of harmless activities. Such measures would be a joke if they were not applied with extreme severity by armed militias.

68. Mullah Mohammad Omar, the head of the Supreme Council of Taliban, had said that women were by nature weak and vulnerable to temptation. If a woman left the house without a male member of her family, she would be drawn on to the path of sin. Working with men was the first step to prostitution. The burqa was a means of preserving a woman's chastity, as well as enabling her to develop her spiritual resources.

69. The Mullah had also said that amputation was a just punishment. Imprisoning a man deprived his family of its breadwinner, whereas after amputation a man could immediately return to work. Amputation was simply one of several forms of corporal punishment. Public money should not be spent on building prisons.

70. Meanwhile, 95 per cent of Afghan drug production came from the area controlled by the Taliban. The Mullah had said, in that connection, that the Taliban would not permit the sale of opium or heroin in Afghanistan itself. If non-Muslims wished to buy the drug and poison themselves, it was not for the Taliban to protect them.

71. Since taking Kabul the Taliban had committed many war crimes. The whole population north of Kabul had been forced to leave their towns and villages because the Taliban did not trust them. That was not just displacement but ethnic cleansing. Indeed, some analysts saw the conflict in Afghanistan as an ethnic one. In his own delegation's view, however, it was not an ethnic conflict but the opposition between two entirely different concepts of religion, life and liberty. He called on those who claimed to be Muslims and supported the Taliban militarily and financially to heed the words of President Rabbani of Afghanistan, who had described the Taliban concept of Islam as deformed and as hating all that was beautiful and noble. Indeed, there was serious reason to believe that the higher echelons of the Taliban had been infiltrated by the sworn enemies of Islam in order to discredit it, some of them being apparatchiks from the former communist regime.

72. True Islam was based on reason, justice and tolerance; it was a civilizing force. The Taliban held training camps for international terrorists. If the Taliban took control of all Afghanistan, groups like them would arise in other countries and the silence maintained by States which closed their eyes to the extreme violations of human rights in Afghanistan would be broken by the noise of bombs and terrorist action in their own countries.

The meeting rose at 6.10 p.m.